

Environmental Protection Agency

§ 73.37

and recorded in its compliance subaccount. Following the deduction of all originally allocated allowances from the compliance subaccount, the Administrator will deduct those allowances that were transferred and recorded in the unit's compliance subaccount pursuant to subpart D of this part, beginning with those with the earliest date of recordation.

(d) *Deductions for excess emissions.* Pursuant to § 77.4 of this chapter, and following the process of recordation set forth in § 73.34(a) of this part, the Administrator will deduct allowances for each unit with excess emissions for the preceding calendar year in an amount equal to the unit's excess emissions tonnage.

(e) *Deductions for units sharing a common emission stack.* In the case of units sharing a common emission stack and have emissions that are not individually monitored pursuant to part 75 of this chapter, the authorized account representative may identify the percentage of allowances to be deducted from each unit's compliance subaccount. Such identification shall be made pursuant to part 72, subpart I of this chapter. In the absence of an identification, the Administrator will deduct an equal percentage of allowances from each unit's compliance subaccount.

[58 FR 3691, Jan. 11, 1993, as amended at 60 FR 17114, Apr. 4, 1995; 64 FR 25842, May 13, 1999]

§ 73.36 Banking.

(a) *Unit accounts.* Any allowance in a compliance subaccount not deducted pursuant to § 73.35 will remain in the compliance subaccount.

(b) *General accounts.* In the case of a general account, any allowances in the current year subaccount at the end of the current calendar year will remain in the current year subaccount.

§ 73.37 Account error and dispute resolution.

(a) *Claim of error.* The authorized account representative may notify the Administrator of any claim that the Administrator made an error in recording transfer information that was submitted correctly pursuant to subpart D of this part, provided that such claim

of error notification is submitted to the Administrator by no later than 15 business days following the date mark of the notification by the Administrator pursuant to actions taken under § 73.37(d) or § 73.53. Such claim of error notification shall be in writing and shall include:

(1) A description of the error alleged to have been made by the Administrator;

(2) A proposed correction of the alleged error;

(3) Any supporting documentation or other information concerning the alleged error and proposed correction; and

(4) Certification by the signature of and the date of the signature of the authorized account representative.

The Administrator will not act on claim of error notifications received after the stated deadlines (except as provided under paragraph (f) of this section, or that do not contend that the Administrator made an error in recordation.

(b) *EPA action.* The Administrator, at the Administrator's sole discretion based on documentation provided, will determine what changes, if any, will be made to the accounts subject to the alleged error. Not later than 20 business days after receipt of a claim of error notification pursuant to paragraph (a) of this section, the Administrator will submit to the authorized account representative a written response stating:

(1) The determination made and any action taken by, the Administrator; and

(2) The reasons for such action.

(c) *Administrative appeals procedure.* Following the Administrator's action pursuant to paragraph (b) of this section, the authorized account representative may appeal the Administrator's action through the administrative appeals procedure pursuant to part 78 of this chapter.

(d) *EPA corrections.* The Administrator may, without prior notice of a claim of error and in the Administrator's sole discretion, correct any errors in any account on his or her own motion. The Administrator will notify the authorized account representative by no later than 20 business days following any such corrections.